

PROOF OF PUBLICATION
STATE OF IOWA
COUNTY OF WOODBURY

RECEIVED
OCT 10 2008
AIR QUALITY
PROGRAM

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the SIOUX CITY JOURNAL printed and published by the Sioux City Newspapers, Inc., in Sioux City in said County and issued daily and Sunday and that the annexed printed notice of

extension notice for
Hyperion

in said newspaper for one consecutive

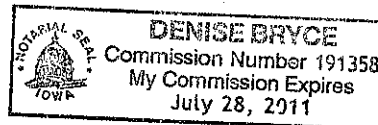
Thurs. issues,

the first publication thereof being on the 2 day
of Oct., 2008

Patti McAvooy
Patti McAvooy

Subscribed and sworn before me in Sioux City, in said County,
this 8 day of Oct., 2008,

Denise Bryce Notary Public



In and for Woodbury County.

79 Lines 1 Times, \$41.16

EXTENSION NOTICE FOR
HYPERION ENERGY CENTER'S
PREVENTION OF SIGNIFICANT DETERIORA-
TION PRE-CONSTRUCTION
AIR QUALITY PERMIT APPLICATION AND
DRAFT PERMIT AND
MAXIMUM ACHIEVABLE CONTROL TECH-
NOLOGY APPROVAL
On September 11 and 12, 2008, the South Dakota
Department of Environment and Natural Resources
(DENR) published in several newspapers in south-
eastern South Dakota and one newspaper in Sioux
City, Iowa the start of a 30-day comment period for
Hyperion's draft Prevention of Significant Deteriora-
tion pre-construction air quality permit. After receiv-
ing several requests to extend the 30-day comment
period, DENR is extending the comment period un-
til November 14, 2008, for all interested parties and
the public.
To ensure DENR has adequate time to respond to
everyone's comments within the 30-day time frame
established in state rules, we ask that everyone sub-
mit their comments as soon as possible. Under this
extension, DENR must receive all comments in its
office by close of business on November 14, 2008.
Hyperion has proposed to construct and operate the
Hyperion Energy Center. The Hyperion Energy
Center will consist of a petroleum refinery and an in-
tegrated gasification combined cycle power plant.
The proposed Hyperion Energy Center will process
on average 400,000 barrels per day of crude oil.
DENR's review of this facility indicates Hyperion
can construct and operate in compliance with the
state and federal air quality requirements established
to protect public health and the environment. There-
fore, DENR drafted a Prevention of Significant Deteriora-
tion air quality permit with conditions to ensure
compliance with the state Air Pollution Control Act
SDCL 34A1 and the federal Clean Air Act. Any per-
son desiring to comment on DENR's draft permit
must submit written comments to the address be-
low:
Department of Environment and Natural Resources
Division of Environmental Services
523 East Capitol, Joe Foss Building
Pierre, SD 57501
Copies of DENR's draft permit, DENR's statement
of basis, and Hyperion's application are available at
the above address or by contacting Kyrik
Rombough, Natural Resources Engineering Director,
at the same address or by telephone at (605)
773-3151. Copies are also available on DENR's air
quality website at
<http://www.state.sd.us/denr/DES/AirQuality/airpubnot.htm>.
Copies of the complete Hyperion air quality
permit file are available at the above address or at:
1. DENR's Hyperion website
<http://www.state.sd.us/denr/hyperion.htm>; and
2. DENR's Geological Survey Program.
Akeley-Lawrence Science Center, University of
South Dakota
414 East Clark
Vermillion, SD 57069-2390
Any person desiring to contest the issuance of this
permit and have a contested case hearing in front of
the Board of Minerals and Environment must file a
petition which complies with ARSD 74:09:01:01.
This petition must be filed by November 14, 2008, or
if that person submits comments on DENR's draft
permit pursuant to the paragraph above, within 30
days of receiving notice of DENR's final permit de-
cision. If a petition for a contested case hearing is
received, DENR will schedule this matter for a con-
tested case hearing before the Board of Minerals and
Environment.
Steven M Pirner, Secretary
Department of Environment and Natural Resources
Published in Sioux City Journal Oct 2, 2008
Legal #13205

RP **AFFIDAVIT OF PUBLICATION**

State of South Dakota, County of Clay, ss.

Penny Tucker

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

RECEIVED EXTENSION NOTICE FOR

OCT 08 2008 HYPERION ENERGY CENTERS

AIR QUALITY
PROGRAM

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 3rd day of October 20 08, and that the succeeding publications were severally

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Thirty-eight dollars and 73 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Penny Tucker

Subscribed and sworn to before me

this 3rd day of Oct, 20 08

Alfred Savie

EXP-5-2013

Notary Public

**EXTENSION NOTICE FOR
HYPERION ENERGY
CENTER'S PREVENTION
OF SIGNIFICANT
DETERIORATION
PRE-CONSTRUCTION
AIR QUALITY PERMIT
APPLICATION AND
DRAFT PERMIT
AND
MAXIMUM ACHIEVABLE
CONTROL TECHNOLOGY
APPROVAL**

On September 11 and 12, 2008, the South Dakota Department of Environment and Natural Resources (DENR) published in several newspapers in southeastern South Dakota and one newspaper in Sioux City, Iowa the start of a 30-day comment period for Hyperion's draft Prevention of Significant Deterioration pre-construction air quality permit. After receiving several requests to extend the 30-day comment period, DENR is extending the comment period until November 14, 2008, for all interested parties and the public.

To ensure DENR has adequate time to respond to everyone's comments within the 30-day time frame established in state rules, we ask that everyone submit their comments as soon as possible. Under this extension, DENR must receive all comments in its office by close of business on November 14, 2008.

Hyperion has proposed to construct and operate the Hyperion Energy Center. The Hyperion Energy Center will consist of a petroleum refinery and an integrated gasification combined cycle power plant. The proposed Hyperion Energy Center will process on average 400,000 barrels per day of crude oil.

DENR's review of this facility indicates Hyperion can construct and operate in compliance with the state and federal air quality requirements established to protect public health and the environment. Therefore, DENR drafted a Prevention of Significant Deterioration air quality permit with conditions to ensure compliance with the state Air Pollution Control Act - SDCL 34A-1 and the federal Clean Air Act. Any person desiring to comment on DENR's draft permit must submit written comments to the address below:

Department of Environment
and Natural Resources
Division of Environmental
Services
523 East Capitol, Joe Foss
Building
Pierre, SD 57501

Copies of DENR's draft permit, DENR's statement of basis, and Hyperion's application are available at the above address or by contacting Kyrik Rombough, Natural Resources Engineering Director, at the same address or by telephone at (605) 773-3151. Copies are also available on DENR's air quality Web site at <http://www.state.sd.us/denr/DES/AirQuality/aapubnot.htm>. Copies of the complete Hyperion air quality permit file are available at the above address or at:

1. DENR's Hyperion Web site <http://www.state.sd.us/denr/hyperion.htm>; and
2. DENR's Geological Survey Program Akeley-Lawrence Science Center, University of South Dakota
414 East Clark
Vermillion, SD 57069-2390

Any person desiring to contest the issuance of this permit and have a contested case hearing in front of the Board of Minerals and Environment must file a petition which complies with ARSD 74:09:01:01. This petition must be filed by November 14, 2008, or if that person submits comments on DENR's draft permit pursuant to the paragraph above, within 30 days of receiving notice of DENR's final permit decision. If a petition for a contested case hearing is received, DENR will schedule this matter for a contested case hearing before the Board of Minerals and Environment.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources
Publish: October 3, 2008

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:SS

County of Union)

Kelly Kruithoff,

an employee of the Dakota Dunes / North Sioux City Times,
deposes and says that

The Dakota Dunes / North Sioux City Times

is a legal weekly newspaper of a general circulation, printed and published in North Sioux City, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Extension Notice

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of North Sioux City, the said place of publication; that the first publication of said notice in said newspaper was

on Wednesday, the 1 day of October, 2008

and that the succeeding publications were

on Wednesday, the _____ day of _____,

on Wednesday, the _____ day of _____,

on Wednesday, the _____ day of _____,

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 41.60, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff
Subscribed and sworn to before me

this 1 day of October, 2008

My commission expires 6-21-11

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Susan Odson
Notary Public

EXTENSION NOTICE FOR HYPERION ENERGY CENTER'S PREVENTION OF SIGNIFICANT DETERIORATION PRE-CONSTRUCTION AIR QUALITY PERMIT APPLICATION AND DRAFT PERMIT AND MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY APPROVAL

On September 11 and 12, 2008, the South Dakota Department of Environment and Natural Resources (DENR) published in several newspapers in southeastern South Dakota and one newspaper in Sioux City, Iowa the start of a 30-day comment period for Hyperion's draft Prevention of Significant Deterioration pre-construction air quality permit. After receiving several requests to extend the 30-day comment period, DENR is extending the comment period until November 14, 2008, for all interested parties and the public.

To ensure DENR has adequate time to respond to everyone's comments within the 30-day time frame established in state rules, we ask that everyone submit their comments as soon as possible. Under this extension, DENR must receive all comments in its office by close of business on November 14, 2008.

Hyperion has proposed to construct and operate the Hyperion Energy Center. The Hyperion Energy Center will consist of a petroleum refinery and an integrated gasification combined cycle power plant. The proposed Hyperion Energy Center will process on average 400,000 barrels per day of crude oil.

DENR's review of this facility indicates Hyperion can construct and operate in compliance with the state and federal air quality requirements established to protect public health and the environment. Therefore, DENR drafted a Prevention of Significant Deterioration air quality permit with conditions to ensure compliance with the state Air Pollution Control Act - SDCL 34A 1 and the federal Clean Air Act. Any person desiring to comment on DENR's draft

permit must submit written comments to the address below:

Department of Environment
and Natural Resources
Division of Environmental
Services
523 East Capitol, Joe Foss
Building
Pierre, SD 57501

Copies of DENR's draft permit, DENR's statement of basis, and Hyperion's application are available at the above address or by contacting Kyrik Rombough, Natural Resources Engineering Director, at the same address or by telephone at (605) 773-3151. Copies are also available on DENR's air quality website at <http://www.state.sd.us/denr/DES/AirQuality/aapubnot.htm>. Copies of the complete Hyperion air quality permit file are available at the above address or at:

1. DENR's Hyperion website - <http://www.state.sd.us/denr/hyperion.htm>; and

2. DENR's Geological Survey Program
Akeley-Lawrence Science
Center, University of South
Dakota
414 East Clark
Vermillion, SD 57069-2390

Any person desiring to contest the issuance of this permit and have a contested case hearing in front of the Board of Minerals and Environment must file a petition which complies with ARSD 74:09:01:01. This petition must be filed by November 14, 2008, or if that person submits comments on DENR's draft permit pursuant to the paragraph above, within 30 days of receiving notice of DENR's final permit decision. If a petition for a contested case hearing is received, DENR will schedule this matter for a contested case hearing before the Board of Minerals and Environment.

Steven M Pirner, Secretary
Department of Environment
and Natural Resources
Publish October 1, 2008
40-6

RECEIVED

OCT 06 2008

AIR QUALITY
PROGRAM

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Kelly Kruithoff,

an employee of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Extension Notice

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 2 day of October, 2008

and that the succeeding publications were

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 41.29, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me

this 2 day of October, 2008

My commission expires 6-21-11

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

S. Odson

Notary Public

EXTENSION NOTICE FOR HYPERION ENERGY CENTER'S PREVENTION OF SIGNIFICANT DETERIORATION PRE-CONSTRUCTION AIR QUALITY PERMIT APPLICATION AND DRAFT PERMIT AND MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY APPROVAL

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Department of Environment and Natural Resources
Division of Environmental Services
523 East Capitol, Joe Foss Building
Pierre, SD 57501

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1. DENR's Hyperion website - <http://www.state.sd.us/denr/hyperion.htm>; and

2. DENR's Geological Survey Program
Akeley-Lawrence Science Center,
University of South Dakota
414 East Clark
Vermillion, SD 57069-2390

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Steven M Pirner, Secretary
Department of Environment and Natural Resources
Publish October 2, 2008
40-6-111

RECEIVED

OCT 06 2008

AIR QUALITY
PROGRAM